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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,574	08/26/2003	Gerhard Dachtler	071308.0456	4097

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EXAMINER

HONG, JOHN C

ART UNIT	PAPER NUMBER
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3726

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/648,574	Applicant(s) DACHTLER ET AL.	
	Examiner John C. Hong	Art Unit 3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by EP0584605.

'605 discloses a casting and rolling plant comprising (Fig. 9; col.13, line 47-col.15, line 30):

- at least one slab production line (110),
- at least one rolling mill train (117),
- at least one slab feed device (122), which in manufacturing terms is independent of the slab production line, to supply slabs to the rolling mill train during a pause in production of the slab production line when the slab production line is non-operational in accordance with logistical and/or production engineering stipulations ;the slab feed device of the casting and rolling plant receives its slabs from the further slab production line which, together with the slab feed device, is responsible for supplying slabs to the rolling mill train to the maximum feasible extent in accordance with logistical and/or production engineering stipulations ; the slab production line of the casting and rolling plant is desired as a thin-slab production line (col. 13, line 55); slab production line is designed as a thick-slab production line (abstract) which, together with the slab production line, is responsible for supplying slabs to the rolling mill train to the maximum feasible extent in accordance with logistical and/or production

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engineering stipulations ; and the slab feed device of the casting and rolling plant receives its slabs from a slab store in which prefabricated slabs are temporarily stored for manufacturing purposes (col. 15, lines 17-30).

It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed (to supply slabs to the rolling mill train during a pause in production of the slab production line when the slab production line is non-operational) does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham, 2 USPQ 2d 1647 (1987)*.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4,6-8,16,17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rohde (U.S. Patent 5,115,547).

Rohde teaches a method for operating a casting and rolling plant with at least one slab production line, at least one rolling mill train, and at least one slab feed device, which in manufacturing terms is independent of the slab production line, comprising the step of :

- during a pause in production of the slab production line when the slab production line is non-operational, the slab feed device supply slabs to the rolling mill train in accordance with logistical and/or production engineering stipulations. ; the slab feed device of the casting and rolling plant receives its slabs from a further slab production line which, together

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with the slab feed device, is responsible for supplying slabs to the rolling mill train in accordance with logistical and/or production engineering stipulations ; and casting and rolling plant is designed as a thin-slab production line (Figs. 1-4; abstract; col.1, lines 24-50).

Rohde does not clearly teach the limitation of "during a pause in production of the slab production line when the slab production line is non-operational, the slab feed device supply slabs to the rolling mill train" but it would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize the slab feed device for that purpose so as to continue the production.

5. Claims 5,10,18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhode (U.S. Patent 5,115,547) in view of EP0584605.

Rohde teach the limitations as claimed above with the exception of the step of the slab feed device of the casting and rolling plant receives its slabs from a slab store in which prefabricated slabs are temporarily stored for manufacturing purposes.

'605 teaches the step of the slab feed device of the casting and rolling plant receives its slabs from a slab store (136) in which prefabricated slabs are temporarily stored for manufacturing purposes (Fig. 9, col. 15, lines 18-30)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to employ the step of '605 on the method of Rohde so as to continuously manufacture the slab without stopping.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John C. Hong whose telephone number is 571-272-4529. The examiner can normally be reached on M-F(07:00-16:30)First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John C. Hong
Primary Examiner
Art Unit 3726

jh
09 December, 2004